

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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MATTHEW RAYMOND,

Plaintiff,

-against-

TROY MITCHELL, Lieutenant at Auburn  
Correctional Facility, CHARLES THOMAS,  
Correction Officer at Auburn Correctional Facility,  
THOMAS HARTE, Sergeant at Auburn Correctional  
Facility, THOMAS PHILLIPS, Correction Officer at  
Auburn Correctional Facility, THOMAS  
GIANCOLA, Correction Officer at Auburn  
Correctional Facility, HAROLD D. GRAHAM,  
Former Superintendent of Auburn Correctional  
Facility, BRIAN BAUERSFELD, Correctional  
Hearing Officer of Auburn Correctional Facility,  
BRIAN O'HORA, Correction Officer at Auburn  
Correctional Facility, AIMEE HOPPINS, R.N., Dr.  
DEBORAH GEER, and "JOHN DOE," Correction  
Officer at Auburn Correctional Facility,

Defendants.  
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**STIPULATION AND ORDER OF  
VOLUNTARY PARTIAL  
DISMISSAL  
FRCP 41(a)(1)(a)(ii)**

9:18 Civ. No. 1467 (GLS) (ATB)

WHEREAS, plaintiff Matthew Raymond commenced this action by filing a complaint on or about December 19, 2018 and an amended complaint on or about March 1, 2019, in the Northern District of New York, alleging that the defendants violated plaintiffs' federal civil and state common law rights as against Lt. Troy Mitchell, CO Charles Thomas, Sgt. Thomas Harte, CO Thomas Phillips, CO Thomas Giancola, former Superintendent Harold Graham, CHO Brian Bauersfeld, CO Brian O'Hora, Nurse Aimee Hoppins, Dr. Deborah Geer, and CO John Doe;

WHEREAS, plaintiff Matthew Raymond now seeks to voluntarily dismiss, with prejudice, his Fourth Cause of Action for violations of the Fourteenth Amendment to the United States Constitution;

WHEREAS, plaintiff Matthew Raymond now seeks to voluntarily dismiss, with prejudice, defendant Brian Bauersfeld;

WHEREAS, plaintiff Matthew Raymond now seeks to voluntarily dismiss, with prejudice, defendant Brian O'Hora;

WHEREAS, plaintiff Matthew Raymond now seeks to voluntarily dismiss, with prejudice, defendant John Doe;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and among the undersigned, as follows:

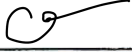
1. Pursuant to Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure, the plaintiff Matthew Raymond withdraws and discontinues any and all federal and state law claims and rights of action arising out of the facts and circumstances that are the subject of this action, and that were asserted or could have been asserted by or on behalf of plaintiff Matthew Raymond against defendants Brian Bauersfeld, Brian O'Hora, and John Doe, and further withdraws and discontinues his Fourth Cause of Action for violations of the Fourteenth Amendment to the United States Constitution, with prejudice, and without attorney's fees, costs or disbursements to any party; and

2. This Stipulation shall be binding upon the parties immediately upon signature and shall be submitted to the Court for entry as an Order.

Dated: November 16, 2020  
New York, New York

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ABADY WARD & MAAZEL LLP  
*Attorneys for Plaintiff Matthew Raymond*

By:

  
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Digitally signed by Aimee Cowan  
Date: 2020.11.13 10:08:53 -05'00'

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*Attorneys for Defendants Mitchell, Thomas, Harte, Phillips, Giancola, Graham, Bauersfeld, O'Hara and Geer*

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By:

  
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SO ORDERED:

  
HON. GARY L. SHARPE  
UNITED STATES DISTRICT JUDGE

Dated: Albany, New York  
November 17, 2020